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c 71 The Provincial Courts Amendment Act, 1978

Ontario

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CHAPTER 71

**An Act to amend
The Provincial Courts Act***Assented to November 30th, 1978*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor:

s. 21,
re-enacted

21. (1) In this section and sections 21*b* and 22, "Minister" means the Minister of Community and Social Services.

Interpre-
tation

(2) The Minister may establish, operate and maintain observation and detention homes upon such terms and conditions as the Minister considers necessary.

Observation
and
detention
homes
established

(3) A detention and observation home in existence on the date this section comes into force shall be deemed to have been established by the Minister under this section and to continue as an observation and detention home under this Act.

Idem

(4) The Minister may, by written agreement or otherwise with any person upon such terms and conditions as may be agreed, provide for the establishment, operation and maintenance of observation and detention homes and for the provision of services in such observation and detention homes.

Agreements

(5) The Minister may appoint one or more persons to act as a Director for the purpose of providing general supervision and direction over observation and detention homes.

Appointment
of Director

2. The said Act is amended by adding thereto the following sections:

ss. 21*a*, 21*b*,
enacted

Admission
and discharge
from
observation
and detention
homes

R.S.C. 1970,
cc. J-3, C-34,
1978, c.
R.S.O. 1970,
c. 467

Powers and
duties of
super-
intendent

Super-
intendent to
have care,
custody and
control

1978, c. 85

R.S.O. 1970,
c. 467

Apprehen-
sion of child

21a. Subject to the provisions of the *Juvenile Delinquents Act* (Canada), the *Criminal Code* (Canada), *The Child Welfare Act, 1978* and *The Training Schools Act*, no child shall be admitted to or discharged from an observation and detention home except by order of a judge of the provincial court (family division) or a judge of the Unified Family Court.

21b.—(1) There shall be a superintendent for each observation and detention home established under section 21 or designated under section 22 who shall perform the duties imposed and may exercise the powers conferred upon the superintendent by the Minister or a Director appointed by the Minister under subsection 5 of section 21.

(2) The superintendent of an observation and detention home shall have the temporary care, custody and control of a child committed to or placed in the observation and detention home, other than a child detained under Part II of *The Child Welfare Act, 1978* or who is a Crown ward under *The Training Schools Act*, during the period of time that the child remains in the observation and detention home.

(3) A police officer, a superintendent of an observation and detention home or any other person designated by the superintendent who has reasonable and probable grounds to believe that a child committed to or placed in the observation and detention home has left the observation and detention home prior to the child's discharge therefrom without the consent of,

- (a) the superintendent;
- (b) where the child has been detained under Part II of *The Child Welfare Act, 1978*, the children's aid society having care, custody and control of the child;
- (c) where the child is a Crown ward under *The Training Schools Act*, the area administrator having care, custody and control of the child,

may apprehend the child with or without a warrant and arrange for the child to be brought back to the observation and detention home.

(4) A warrant referred to in subsection 3 may be issued by a justice of the peace on information laid before the justice on oath that the child has left the observation and detention home without the consent of the superintendent or the children's aid society or area administrator referred to in subsection 3, as the case may be.

Warrant to
apprehend
child

(5) A person authorized by a warrant issued under sub-section 4 may enter, if need be by force, any house, building or other place specified in the warrant and may search for and remove the child therefrom. Right of entry

3. Section 22 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor: s. 22, re-enacted

22. The Minister may designate any place, house, home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada) and such detention home shall be deemed to be an observation and detention home under this Act. Detention homes R.S.C. 1970, c. J-3

4. Section 23 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed. s. 23, repealed
5. Subsection 1 of section 28 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is further amended by adding thereto the following clauses: s. 28 (1), amended

(ga) prescribing additional powers and duties of superintendents of observation and detention homes;

(gb) governing the procedures for admission to and discharge of children from observation and detention homes or any class thereof;

(gc) defining "services" for the purposes of section 21 and prescribing the terms and conditions upon which such services may be provided;

(gd) prescribing the classes of payments by way of provincial aid to any observation and detention home and the methods of determining the amounts of payments and providing for the manner and time of payment and the terms and conditions of the payment thereof and the suspension and withholding of payments and for the making of deductions from payments.

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement
7. The short title of this Act is *The Provincial Courts Amendment Act, 1978*. Short title

